



RON CHAPMAN, MD, MPH  
Director & State Health Officer

State of California—Health and Human Services Agency  
**CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**



EDMUND G. BROWN JR.  
Governor

August 30, 2013

Certified Mail  
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West Patton Village Community Services District  
P.O. Box 960  
Herlong, CA 96113

Attention: Board of Directors

**Subject: Public Water System #1805009  
Compliance Order 01-02-13R-002-1805009-12**

Enclosed is a compliance order issued to West Patton Village Community Services District (District). The compliance order is being issued because the District has failed to hire a certified/qualified distribution operator and implement a cross connection control program. Please be aware that the Directives section of the compliance order contains required actions that must be taken by the District to return to compliance.

Note that Section 116577 of the California Safe Drinking Water Act provides for our Department to be reimbursed by the public water system for costs incurred for preparing and issuing a compliance order to that system. In accordance with Section 116577, the District was billed (Invoice No. 1370276, dated August 7, 2013) for the preparation and issuance of this compliance order. Our current costs are approximately \$126 per hour. The time to prepare this compliance order is two hours.

If you have any questions regarding this matter, please call staff engineer Sandi Tenney at (530) 224-4876 or me at (530) 224-4800.

Michael J. McNamara, P.E.  
Lassen District Engineer  
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosures

cc: Vivian Peterson, District Manager, West Patton Village Community Services District  
Alan Jones, Director, Lassen County Environmental Health Department

sr: Lassen \ West Patton Village CSD \ Enforcement \ 01-02-13R-002-1805009-12 **File: Main**

1 As more fully set forth below, the Department is informed and believes that  
2 the District is in violation of portions of Section 116555 of the CHSC and  
3 Section 7584, Title 17, and Section 63770, Title 22, of the California Code  
4 of Regulations (CCR).

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6 Distribution System Operator

7 To assure compliance with Sections 116555(a)(4), 116555(a)(5),  
8 116555(b)(1), and 116555(b)(2), of the CHSC and Section 63770, Title 22,  
9 of the CCR, the District's permit condition No. 7, required the District to be  
10 under the operational control of, at the minimum, a D-1 certified distribution  
11 operator by June 1, 2008. The Department's March 27, 2012, inspection  
12 letter to the District again directed the District to be under the operational  
13 control of a D-1 certified distribution operator, and send a copy of his or her  
14 certified distribution operator certification to the Department by April 30,  
15 2012. As of the date of this Order, the District has not submitted evidence  
16 that the District is under the operational control of a D-1 certified distribution  
17 operator.

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19 Cross-Connection Control Program

20 To assure compliance with Section 116555(a)(2) of the CHSC and Section  
21 7584, Title 17, of the CCR, the District's permit condition No. 3, required the  
22 District to maintain a program for the protection of the domestic water  
23 system against backflow. The Department's March 27, 2012, inspection  
24 letter to the District again directed the District that it is required to submit a  
25 copy of its cross connection control program to the Department by  
26 June 30, 2012. As of the date of this Order, the District has not submitted  
27 evidence that the District is maintaining a program for the protection of the  
domestic water system against backflow.



APPLICABLE AUTHORITIES

Section 116555, Operational Requirements, of the CHSC states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

(2) Will not be subject to backflow under normal operating conditions.

(4) Employs or utilizes only water treatment operators or water treatment operators-in-training that have been certified by the department at the appropriate grade.

(5) Complies with the operator certification program established pursuant to Chapter 4 (commencing with Section 106875).

(b) Any person who owns a community water shall do all of the following:

(1) Employ or utilize only water distribution system operators who have been certified by the department at the appropriate grade for positions in responsible charge of the distribution system.

(2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an operator or operators holding a valid certification equal to or greater than the classification of the distribution system.

Section 116655, Orders, of the CHSC states:

(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:



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(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

Section 63750.25, Chief Operator, Title 22, of the CCR states:

“Chief operator” means the person who has overall responsibility for the day-to-day, hands-on, operation of a water treatment facility or the person who has overall responsibility for the day-to-day, hands-on, operation of a distribution system.

Section 63750.70, Shift Operator, Title 22, of the CCR states:

“Shift operator” means a person in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day.

Section 63770, Distribution System Staff Certification Requirements, Title 22, of the CCR states in relevant part:

(a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.



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Table 63770-A  
Minimum Certification Requirements for Chief and Shift Operators

<i>Distribution System Classification</i>	<i>Minimum Certification of Chief Operator</i>	<i>Minimum Certification of Shift Operator</i>
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

(b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

(1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.

(2) Shutdown, repair, disinfect and test broken water mains.

(3) Oversee the flushing, cleaning, and pigging of existing water mains.

(4) Stand-by emergency response duties for after hours distribution system operational emergencies.

(d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:

(2) Investigate water quality problems in the distribution system.

Section 64413.3, Classification of Distribution Systems, Title 22, of the CCR states in relevant part:



1 (a) The distribution system for each community and nontransient-  
 2 noncommunity water system shall be classified pursuant to Table  
 3 64413.3-A.

4 Table 64413.3-A.  
 Distribution System Classifications

<i>Population Served</i>	<i>Class</i>
1,000 or less	D1
1,001 through 10,000	D2
10,001 through 50,000	D3
50,001 through 5 million	D4
Greater than 5 million	D5

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 10 Section 7583(e), Cross Connection, Title 17, of the CCR states:

11 "Cross-Connection" is an unprotected actual or potential connection  
 12 between a potable water system used to supply water for drinking purposes  
 13 and any source or system containing unapproved water or a substance that  
 14 is not or cannot be approved as safe, wholesome, and potable. By-pass  
 15 arrangements, jumper connections, removable sections, swivel or  
 16 changeover devices, or other devices through which backflow could occur,  
 shall be considered to be cross-connections.

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 19 Section 7584, Responsibility and Scope of Program, Title 17, of the CCR  
 20 states in relevant part:

21 The water supplier shall protect the public water supply from contamination  
 22 by implementation of a cross-connection control program. The program, or  
 23 any portion thereof, may be implemented directly by the water supplier or by  
 24 means of a contract with the local health agency, or with another agency  
 25 approved by the health agency. The water supplier's cross-connection  
 control program shall include, but not be limited to, the following elements:

26  
 27 (a) The adoption of operating rules or ordinances to implement the cross-  
 connection program.



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- (b) The conducting of surveys to identify water user premises where cross-connections are likely to occur,
- (c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both,
- (d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program,
- (e) The establishment of a procedure or system for testing backflow preventers, and
- (f) The maintenance of records of locations, tests, and repairs of backflow preventers.

Condition 3 of the District's December 14, 2007, Permit No. 01-02-07-PER-004, states:

The District shall comply with Title 17 of the CCR to prevent the water system and treatment facilities from being contaminated from possible cross-connections. The District shall maintain a program for the protection of the domestic water system against backflow from premises having dual or unsafe water systems in accordance with Title 17. All backflow prevention devices shall be tested annually.

Condition 7 of the District's December 14, 2007, Permit No. 01-02-07-PER-004, states:

The District shall submit the certificates of the certified distribution operator staff as well as a description of the relevant training and experience of persons responsible for operating the water system by June 1, 2008.



DETERMINATIONS

Based upon the above-described Findings of Fact, the Department determines that the District has violated the following:

1. The District is in violation of Sections 116555(a)(5), 116555(b)(1), and 116555(b)(2), of the CHSC; Section 63770, Title 22, of the CCR; and the District's permit condition No. 7, in that the District has not demonstrated that it is under the operational control of, at the minimum, a D-1 certified distribution operator.
2. The District is in violation of Section 116555(a)(2) of the CHSC; Section 7584, Title 17, of the CCR; and the District's permit condition No. 3, in that the District has not demonstrated that it has implemented a cross connection control program.

ORDER

Pursuant to Section 116655, Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code, the Department and its Director hereby orders and directs the District to:

Directive 1. The District shall submit to the Department its plan and schedule to obtain the services of, at the minimum, a D-1 certified operator-of-record responsible for operating the water system by November 1, 2013. The District shall obtain the services of, at the minimum, a D-1 certified operator-of-record by February 1, 2014.

Directive 2. The District shall submit to the Department its plan and schedule to implement a cross connection control program by November 1, 2013. The District shall implement its cross connection control program by February 1, 2014.



1 The Department reserves the right to make such modifications to this Order  
2 as it may deem necessary to protect public health and safety. Such  
3 modifications may be issued as amendments to this Order and shall be  
4 effective upon issuance.

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6 All submittals required by this Order shall be submitted to the Department at  
7 the following address:

8 Michael J. McNamara, P.E., Lassen District Engineer  
9 Department of Public Health  
10 Drinking Water Field Operations Branch  
11 364 Knollcrest Drive, Suite 101  
12 Redding, CA 96002

13 The District's failure to comply with any directive set forth in this Order by  
14 the time proscribed herein, may result in further administrative and/or  
15 judicial enforcement action against the District, including imposition of  
16 administrative penalties in the amount of \$200.00 per day per violation,  
17 pursuant to the California Health and Safety Code, Section 116650, and/or  
18 civil penalties as permitted by law, including without limitation California  
19 Health and Safety Code, Section 116725.

20 The State of California shall not be liable for any injuries or damages to  
21 persons or property resulting from acts or omissions by the District, its  
22 employees, agents, or contractors in carrying out activities pursuant to this  
23 Order, nor shall the State of California be held as a party to any contract  
24 entered into by the District or its agents in carrying out activities pursuant to  
25 this Order. By issuance of this Order, the Department does not waive its  
26 right to take any further or additional enforcement action(s) against District.  
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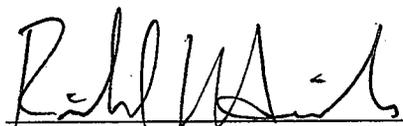
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PARTIES BOUND

This Order shall apply to and be binding upon the District, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Order are severable, and District shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

  
Richard L. Hinrichs, P.E., Chief  
Northern California Section  
Drinking Water Field Operations Branch

8/30/2013  
Date

Certified Mail No. 7009 1680 0001 3114 5141

